8400364/2024/E&T-SEI01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

SD&T Dept. – Emp. & Trg. - Disproportionate Assets case booked by the Anti Corruption Bureau against Sri Y. Satyanarayana (AO), Principal (now Retd.), Govt. ITI (New), Gajuwaka, Visakhapatnam District With drawing of prosecution - Orders – Issued.

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SKILLS DEVELOPMENT AND TRAINING (E&T.A1) DEPARTMENT

G.O.Rt No.19, **Dated:12-01-2024**

Read the Following:

1. From the DG,ACB, Preliminary Report Rc.C.No.91/RCA-WVP/2014, dt.2-9-2015.
2. Govt. Memo. No.3502/IMS&Vig/2014,dt.31-10-2015.
3. From the DG, ACB, Final Report Rc.No.91/RCA-WVP/ 2014, dt.2-11-2017
4. Govt. Memo. No.3502/IMS&Vig/2014 dt. 12-3-2019.
5. Govt. Memo. No.178844/3502/E&T.A1/2014, dt.16-11-2022
6. From the DG, ACB, letter Rc.No.91/RCA-WVP/2014-S.11,dt.28-11-2022.
7. Sri Y. Satyanarayana, Retd. Principal, RITI, Araku Valley, Visakhapatnam representation dt. -2022.
8. Govt. Memo No.178844/3502/E&T.A1/2014, dt.31.07.2023.
9. From the DG, ACB, AP, Vijayawada, RC.No.91RCA-WVP/2014-S.11, dt.26.09.2023

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ORDER:

In continuation of the reference first read above, the Director General, Anti Corruption Bureau in his letter 3rd read above has furnished the Final Report in respect of Sri Y. Satyanarayana (AO), Principal (now Retd.), Govt. ITI (New), Gajuwaka, Visakhapatnam District (A.O.) wherein he has stated that the ACB officials registered a case vide Cr.No.12/RCA-VSP/2014 U/s 13(2) r/w 1(1)(e) of the prevention of corruption Act,1988 and stated that the A.O. had retired from service on 31-7-2016, no sanction order was required for his prosecution in a court of law and the Bureau will file charge sheet against the Accused Officer in the Court of Law and recommended for initiating departmental action for violation of Rule 9 (1), 9(7) and 8 (1) of A.P.C.S. (Conduct) Rules, 1964 r/w 9 (2)(b)(ii) of A.P. Revised Pension Rules, 1980.

2. Sri Y. Satyanarayana (AO), Principal (now Retd.), Govt. ITI (New), Gajuwaka, Visakhapatnam District in his representation 7th read above has stated that he worked as Instructor / Training officer / Principal of Govt. ITI for more than 34 years. He did not have any financial dealings in the office while discharging his official duties. The ACB official conducted a raid on various places including his residence at Visakhapatnam on 27.03.2014 purely basing on the false information furnished by his rivals. A case in Cr.No.12/RCA-VSP/2014 was registered, subsequently he was placed under suspension w.e.f. 28.03.2014, though no incriminating material what so ever was either seized or recovered from any place. The ACB officials without conducting proper inquiry based on the false information furnished by his rivals conducted raid against him and boosted up the figures abnormally and mindlessly and included the items of others as that of mine for the reasons best known to them. He has submitted the following points on the ACB Final Report:-

(i) The ACB officials issued a statutory notice-1 for disproportionate Assets worth Rs.2,69,71,379/- and roped properties and Education Expenditure of his married daughters to him without considering their source and income of their husbands and also submit that, with a view to increase his expenditure, the ACB authority tried its best an added various figures captioned as "unexplained expenditure" for worth of Rs.1,04,56,729/-. He did not incur any expenditure other than the domestic expenditure, education expenditure, chit fund payment, bank and hand loan repayments, marriage expenditure and payment to acquisition of properties, which are already included in his assets and expenditure.

P.T.O.

(ii) His daughter did her post graduation at Maharaja Institute of Medical Sciences, Vizianagaram after her marriage. Therefore whatever expenditure incurred for her education is borne out by her husband, but the ACB Officials had shown that expenditure Rs.8,85,000/- to his expenditure. Similarly an amount of Rs.40,00,000/- in connection with an un-executed, unsigned and incomplete MOU between one Smt. S. Rajasree and other Sri K. Raju in connection with the Subbaiah Gas Agency is shown in his assets, high handedly by the ACB Officials to cook up the figures against him, though the above said transaction is no way connected with him.

(iii) During the check period, he got GPF Loans for Rs.9,78,000/- (Rs.33,000 + Rs.45,000 + Rs.50,000 + Rs.1,00,000 + Rs.90,000 + Rs.1,00,000 + Rs.1,30,000 + Rs.4,30,000) and Rs.2,00,000 loans from their employees Society. The said amount was recovered previously from his salary account in every month. He received Rs.9,58,000 through rental income. He was paid Rs.1,50,000 by way of online transfer to his account on 09.01.2014 from ICICI Prudential Life Insurance. His wife also worked as LIC Agent and got Rs.2,10,367/- through Commission. She received net agricultural income of Rs.1,16,556. She received Rs.12,58,000 through rental income from the assets mentioned in the statutory notice. His wife sold away278.43 grams gold ornaments inherited by her and got Rs.6,79,888/-. His father-in-law gifted Rs.2,00,000/- said amount into his wife account on 17.09.2009 from Narsipatnam Branch. He has borrowed an amount of Rs.10,00,000 from K. Raju on 14.08.2011 by way of cheque bearing No.508326 of SBI Bobili Branch. Similarly He has obtained loan Rs.10,00,000 bearing Cheque No.461221, dt.15.04.2009 drawn on Andhra Bank Maharani Branch, Visakhapatnam by way of hand loan from K. Sanjeevarao Naidu. He has also taken hand loans from near and dear to meet the necessities and marriage expenses of his children. All those various items of his wife and his loans are not taken into consideration.

(iv) During the check period, he sold away 3 sites for Rs.1,01,500/- on 05.07.1999, Rs.16,07,949/- on 26.11.2008 and Rs.24,00,000/- on 04.11.2009. In view of purchase and sale of these three assets, he got an amount of Rs.27,04,883/- as profit. The ACB authorities have not considered as his income though all the documents were submitted and attached the same on the form I to VI.

(v) His wife and Smt. K. Satyavathi jointly agreed to purchase Plot for Rs.2,65,000/- in vepagunta village, Visakhapatnam for which they jointly entered into an agreement and also to sell with GPA on 30.07.1998. His wife and Sayavathi equally paid Rs.1,32,500/- each to the Vendor on that sale but the ACB officials shown the entire amount in his assets. He has purchased the flat No.GF II and obtained the registered sale deed dt.03.09.2004 and paid Rs.2,65,400/- to builder but the ACB authorities have mentioned the said property as Rs.6,55,700/-. Similarly, he has also purchased GF I for Rs.2,43,500 but it was wrongly shown as Rs.6,41,160/-. The investments in ITI's were also wrongly mentioned exclusively in his name.

(vi) The ACB officials issued inventory notice II in order to increase his expenditure showing the marriage expenditure of his daughters as if they are exclusively incurred by him. In fact, the marriage expenses were met both by him and by his respective in-laws. This has been already explained him to the department at the time of submission of the Annexure I to VI. And Rs.4,97,214 shown as fuel and Maintenance charges for the Car No. AP31AY 1557. In fact it was purchased by him and gifted to his elder son-in-law, who is an established doctor by then during his elder daughter's marriage. He did not incur the above expenditure but he ACB officials wrongly shown the above expenditure as if it is mine.

(vii) Even if all the above items are taken into account by ACB Officials, there are no disproportionate assets than the actual, which he have acquired. Though, there is no cause of action to file the charge sheet, they have boosted up the case. He has submitting a detailed statement to prove that, there is no case against him and it is a false case filed by the ACB department, basing on the pressure given by his rivals.

(viii) He did not have any passport, Locker and abnormal case or gold during the search. This itself is sufficient to show his status and if it further evident that the ACB acted on false information furnished by his rivals without conducting proper enquiry. There is no scope for an ITI officials like him to earn illegal income during his official duties and if the officials properly considered the matter, there will not be any case against him. Even though there is no sufficient evidence to prove that he has acquired properties disproportionate to him known sources of income, mechanically ACB filed the charge sheet.

He has requested the Government to kindly examine his case sympathetically and order withdrawal of C.C.39/2019 on the file of special Judge for the trail of ACB cases, at Visakhapatnam.

3. Govt. Vide Memo. 8th read above requested the Anti Corruption Bureauto examine the representation 7th cited and send his remarks to Government for taking further action in the matter immediately

4. The Director General, ACB, Andhra Pradesh, Vijayawada in his letter 9th read above stated that after completion of the Investigation, the Bureau sent Final Report dt.02.11.2017 and recommended for prosecution of A.O. in a court of law under section 13(2) r/w 13 (1) (e) of P.C. Act., 1988 of ACB for possession of assets disproportionate to the known sources of income of A.O. to the tune of Rs.2,05,07,531.00 (146.7%) and also recommended to initiate Departmental action for violation of Rules under Rule 9(1), 9(7) and 8(1) of A.P.C.S. (Conduct) Rules, 1964 r/w 9(2)(b)(ii) of A.P. Revised Pension Rules, 1980 and Bureau filed charge sheet against the AO (Retired) in the court on 17.08.2018. The case was taken on file vide CC No.39/2019 and is pending trial. He has further informed that all the contentions raised by the AO in his representation was already discussed in detail in the vide Final Report dt.02.11.2017 and now the case is pending trial before the Hon'ble Court and requested that Government may take appropriate decision on the request of the petitioner Sri Yedla Satyanarayana.

5. Government after careful examination of the matter, and the plea of the applicant raised in his representation, Government hereby decided to withdraw the prosecution order against Sri Y. Satyanarayana (AO), Principal (now Retd.), Govt. ITI (New), Gajuwaka, Visakhapatnam District.

6. The Director General, Anti Corruption Bureau is therefore requested to direct the concerned Public Prosecutor to withdraw the prosecution filed against Sri Y. Satyanarayana (AO), Principal (now Retd.), Govt. ITI (New), Gajuwaka, Visakhapatnam District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. SURESH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT(FAC)

To :
The Director General, Anti Corruption Bureau, Vijayawada.
Copy to:
The Vigilance Commissioner, APVC, Secretariat, Velagapudi.
The SD&T(OP) Dept. A.P., Secretariat.
SF/SC. (Computer No.178844)

//FORWARDED:: BY ORDER//

SECTION OFFICER